

OFFICIAL COPY

Fresno, California

June 26, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council President

Absent:	Henry Perea	Council President
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Andy Souza, City Manager  
Jim Sanchez, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Ataloe Woodin of Community Brethren Church gave the invocation, and Acting President Xiong led the Pledge of Allegiance.

APPROVE MINUTES OF JUNE 19 AND 21, 2007

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the minutes of June 19 and 21, 2007, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

COUNCILMEMBER STERLING - (1) Letter received from the Downtown Association on problems plaguing the Fulton and request for time line to clean up/address the problems; (2) reiteration of request to PR&CS for list of activities at City facilities/community centers; and (3) comments on Saturday's dedication of Reverend Chester Riggins Avenue and Rev. Riggins' contributions to the community.

COUNCILMEMBER CALHOUN - (1) Concern expressed with the case history and lack of action on blighted building at 311 N. Fulton and need to take action.

COUNCILMEMBER WESTERLUND - Additional comments on Fulton Mall problems (algae in fountains) and lack of maintenance by City crews.

COUNCILMEMBER STERLING - Request for status report on Nielsen Park closure.

ACTING PRESIDENT XIONG - (1) Thank you to City Manager Souza for attending the Internship Program targeting specific high school students; and (2) report on attendance at Saturday's Latino Rotary Club event at the Regency.

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**APPROVE AGENDA:**

**(10:45 A.M.) CONTINUED HEARING ON CFD NO. 11, ANNEXATION NO. 17, FINAL TRACT MAP NO. 5730 (Continue to July 17, 2007, at 10:05 a.m.)**

Continued as noted.

**(11:00 A.M.) CLOSED SESSION:**

**(A)** ANTICIPATED LITIGATION/ SIGNIFICANT EXPOSURE TO LITIGATION: FEDERAL AVIATION ADMINISTRATION (FAA) V. COF (GAP PROJECT)

Removed from the agenda.

**(1-H)** RESOLUTION - OF INTENTION TO RESCIND AND REPLACE RESOLUTION NOS. 20002-299 AND 2002-300, WHICH ORDERED THE VACATION OF VARIOUS STREETS AND ALLEYS BETWEEN ILLINOIS AND MCKENZIE AVENUES WEST OF FRESNO STREET TO ACCOMMODATE THE CONTINUING EXPANSION OF THE REGIONAL MEDICAL CENTER

City Clerk Klisch corrected the title to read: "*ADOPT RESOLUTION OF INTENTION NO. 1061-D TO RESCIND AND REPLACE...etc.*". So noted and corrected.

**(1-P)** ADOPT THE PARC GROVE COMMONS NEIGHBORHOOD REVITALIZATION PLAN FOR THE CONSTRUCTION OF A MULTI-PHASED 464-UNIT AFFORDABLE HOUSING PROJECT

**1.** CONDITIONALLY APPROVING HOME PROGRAM LOAN FUNDS IN THE AMOUNT OF \$1.4 MILLION TO PARC GROVE COMMONS LP FOR CONSTRUCTION OF PHASE I

At the request of staff and by Council consensus Item 1-P was set for 2:35 p.m. this date.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the AGENDA hereby approved, as amended, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong
Noes	:	None
Absent	:	Perea

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**ADOPT CONSENT CALENDAR:**

Councilmember Westerlund pulled Items **1-F**, **1-G** and **1-R**, and Councilmember Calhoun pulled Item **1-O** from the Consent calendar for separate discussion and action.

Councilmembers Calhoun and Sterling spoke to Items **1-Q** and **1-S**.

Acting President Xiong pulled Item **1-A** from the Consent Calendar for separate discussion/action.

**(1-B) RESOLUTION NO. 2007-219 - ANNUAL RESOLUTION CONCERNING LOCAL TRANSPORTATION PURPOSE FUNDS MEASURE C**

**1.** AUTHORIZE THE CITY MANAGER TO EXECUTE THE ATTACHMENT "A" LOCAL TRANSPORTATION PURPOSES CERTIFICATION AND CLAIM FORM

Councilmember Sterling requested staff contact her office relative to who would be reviewing this matter.

**(1-C)** APPROVE AGREEMENT WITH THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO) FOR THE ACCEPTANCE OF A \$10,000 GRANT AWARD TO SUPPORT PROGRAM ENHANCEMENTS TO THE POLICE DEPARTMENT'S MEDICAL RESERVE CORPS PROGRAM

**(1-D)** AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE THE AGREEMENT AND REQUIRED PROGRAM DOCUMENTS WITH THE OFFICE OF EMERGENCY SERVICES AND THE 1<sup>ST</sup> AMENDMENT TO THE MOU WITH THE MARJAREE MASON CENTER FOR THE LAW ENFORCEMENT SPECIALIZED UNITS PROGRAM, VIOLENCE AGAINST WOMEN 2007 GRANT PROJECT EXTENSION

**(1-E)** ADOPT THE CEQA MITIGATED NEGATIVE DECLARATION PREPARED FOR THE VENTURA AND SEVENTH PROJECT

1. APPROVE THE PURCHASE OF A PARCEL OF LAND LOCATED AT 717 S. SEVENTH STREET UTILIZING HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FUNDS

2. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE A CITY ATTORNEY APPROVE PURCHASE AND SALE AGREEMENT AND ALL OTHER NECESSARY ESCROW DOCUMENTS RELATED TO THE PROPERTY PURCHASE

**(1-H)** ADOPT RESOLUTION OF INTENTION NO. 1061-D TO RESCIND AND REPLACE RESOLUTION NOS. 20002-299 AND 2002-300, WHICH ORDERED THE VACATION OF VARIOUS STREETS AND ALLEYS BETWEEN ILLINOIS AND MCKENZIE AVENUES WEST OF FRESNO STREET TO ACCOMMODATE THE CONTINUING EXPANSION OF THE REGIONAL MEDICAL CENTER

**(1-I) RESOLUTION NO. 2007-220** - INTENT TO ANNEX FINAL TRACT NO. 5589 AS ANNEXATION NO. 18 TO CFD NO. 11, AND SETTING THE PUBLIC HEARING FOR JULY 17, 2007

**(1-J)** REJECT ALL BIDS RECEIVED FOR EATON TRAIL IMPROVEMENTS RE-BID, WOODWARD PARK

**(1-K)** APPROVE A FIVE YEAR LEASE FOR A COMMERCIAL HANGAR AND ADJOINING PROPERTY AT FRESNO CHANDLER EXECUTIVE AIRPORT WITH CHRIS DILLAHUNTY d.b.a. D&D AIRCRAFT SERVICES

**(1-L)** APPROVE A FIVE YEAR LEASE FOR A COMMERCIAL HANGAR AT FRESNO CHANDLER EXECUTIVE AIRPORT WITH DON WILLIAMS AND JIM WOOD d.b.a. BCH AVIATION CENTER

**(1-M)** APPROVE A THREE YEAR LEASE WITH WAYNE ANDREWS d.b.a. FRESNO AIRPARTS FOR A COMMERCIAL WAREHOUSING BUILDING AND ADJOINING PROPERTY AT FRESNO CHANDLER EXECUTIVE AIRPORT

**(1-N)** APPROVE A THREE YEAR OFFICE LEASE WITH JOHN TOMAINO d.b.a. AMERICAN HELICOPTER AT FRESNO CHANDLER EXECUTIVE AIRPORT

**(1-Q) RESOLUTION NO. 2007-221** - SUPPORTING PRODUCER RESPONSIBILITY IN COORDINATION WITH THE FRESNO GREEN STRATEGIES

Councilmember Calhoun commented briefly and commended staff for taking a proactive approach with our environment.

**(1-S)** APPROVE SIDE LETTERS OF AGREEMENT REGARDING ADDITIONAL HOLIDAY SERVICES

1. APPROVE SIDE LETTER OF AGREEMENT WITH INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS, LOCAL 39, UNIT 01

2. APPROVE SIDE LETTER OF AGREEMENT WITH CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA), UNIT 13

Councilmember Sterling thanked all involved for coming to agreement and added many people will appreciate this holiday service.

**(1-T) BILL NO. B-50 - ORDINANCE NO. 2007-53** - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE TOW CAR ORDINANCE AND OUTDATED PROVISIONS

**(1-U)** FRESNO MUNICIPAL CODE (FMC) STREAMLINING PROJECT

1. **BILL NO. B-51 - ORDINANCE NO. 2007-54** - DIRECTING REPUBLICATION OF THE FMC TO REFORMAT FOR PURPOSES OF STREAMLINING

2. **BILL NO. B-52 - ORDINANCE NO. 2007-55** - REPEAL AND ADD CHAPTERS 1 AND 2 TO THE FMC RELATING TO CODE STREAMLINING

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
 Noes : None  
 Absent : Perea

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**RECESS - 8:47 A.M. - 9:00 A.M.**

**(9:00 A.M.) PUBLIC COMMENT PERIOD:**

**(A) SCHEDULED COMMUNICATION**

APPEARANCE BY MICHAEL DAVID TO DISCUSS DOWNTOWN FRESNO, THE FRESNO BEE, AND CHANNEL 30

Appearance made.

**(B) UNSCHEDULED COMMUNICATION**

Paula Savino spoke to canal and safety issues and recommended covering canals with a mesh type covering.

Assistant Public Works Director Kirn advised Supervising Real Estate Agent Daryl Balch was retiring after 27 years of City service and spoke to his accomplishments and his exemplary service. Mr. Balch was commended for his service.

Rod Frankian, property owner at 2140 S. Railroad adjacent to the proposed homeless encampment, who expressed concerns with the proposed camping ordinance and explained, and requested Council protect business interests in that M - 1 zone district area.

Mel Hurt spoke to dirty air, city costs and senior abuse issues.

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**RECESS - 9:14 A.M. - 9:30 A.M.**

**(9:30 A.M.) GENERAL ADMINISTRATION:**

**(A) REJECTION AND AWARD OF CONTRACTS RELATED TO THE DICKEY YOUTH DEVELOPMENT CENTER**

1. REJECT BIDS FOR BID PACKAGE 01
2. AWARD A CONTRACT IN THE AMOUNT OF \$629,000 TO DMG CONSTRUCTION, INC., FOR BID PACKAGE 02
3. AWARD A CONTRACT IN THE AMOUNT OF \$1,569,000 TO DMG CONSTRUCTION, INC., FOR BID PACKAGE 03
4. AWARD A CONTACT IN THE AMOUNT OF \$227,000 TO BROEGE CONSTRUCTION, INC., FOR BID PACKAGE 04
5. REJECT BIDS FOR BID PACKAGE 05
6. AWARD A CONTRACT IN THE AMOUNT OF \$106,800 TO FOUR C'S SERVICE, INC., FOR BID PACKAGE 06
7. REJECT BIDS FOR BID PACKAGE 07
8. AWARD A CONTRACT IN THE AMOUNT OG \$68,050 TO RO'S PRECISE PAINTING, INC., FOR BID PACKAGE 08
9. REJECT IDS FOR BID PACKAGE 09
10. AWARD A CONTRACT IN THE AMOUNT OF \$279,555 TO MAX HAYES PLUMBING & HEATING CO., IN., FOR BID PACKAGE 10
11. REJECT BIDS FOR BID PACKAGE 11
12. AWARD A CONTRACT NI THE AMOUNT OF \$363,028 TO KERTEL COMMUNICATIONS d.b.a. KERTEL ELECTRIC FOR BID PACKAGE 12

Assistant PR&CS Director Haynes provided additional background information and reviewed the issue, all as contained in the staff report as submitted, and PW Capital Projects Manager Krauter spoke further to the multi-prime project and bidding process.

Councilmember Sterling presented questions relative to the process hereafter, project completion date, what other funds will be utilized to ensure the project is completed on time, re-bidding time line, and if the project will stay within budget and within the time line, with Mr. Haynes and Mr. Krauter responding throughout. Councilmember Sterling requested staff keep her office informed throughout and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Dages.

Councilmember Westerlund stated this was a great project but he had some real concerns and presented numerous questions/comments/concerns relative to reason for going multi-prime, the process, the unknown total cost, risks, plan if the project goes over budget **(2 - 0)**, the Engineer's estimate, the original estimate, landscaping costs/key items, the one year extension, other bid packages and costs, importance of knowing the total package cost, and suggestion for a 60 day delay to get cost numbers, with Mr. Krauter and Mr. Haynes responding throughout. Mr. Haynes responded briefly to questions of Councilmember Duncan relative to what range of services the facility will provide for kids when opened and what was available to them today, whereupon Councilmember Duncan complimented staff for being creative, stated the risk was minimal, and encouraged council's support.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, staff's recommendation to reject bids and award contracts as outlined above hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Xiong  
 Noes : Westerlund  
 Absent : Perea

**(B) RESOLUTION NO. 2007-222 - INTENT TO CO-SIGN AN INTERIM LOAN FOR THE FRESNO METROPOLITAN MUSEUM FOR CONSTRUCTION EXPENDITURES TO BE REIMBURSED FROM THE PROCEEDS OF INDEBTEDNESS SECURED BY THE FRESNO METROPOLITAN MUSEUM**

City Manager Souza noted this was a different format from last week and gave and reviewed the issue, all as contained in the staff report as submitted.

Speaking in support of the museum and the resolution were: Ashley Gottlieb; Terry Allen; Kaylan Roberts; Joanie Martin; Suzanne Bertz-Rosa; Vincent Correll; Ashley Swearingin; Steve Keyser; Rev. David Abdo, First Presbyterian Church; and Brad Huff, Project Director of Valley Arts & Science Academy.

\* Acting President Xiong recognized the welcomed visiting students from Roosevelt High School.

Councilmember Sterling spoke briefly to the issue and thanked everyone for their input and support and made a motion to adopt the resolution, which motion was seconded by Councilmember Calhoun.

Councilmember Westerlund thanked all involved and Mayor Autry and City Manager Souza for their leadership, stated this proposal made sense and elaborated on last week's request and this proposal, and presented numerous questions relative to amount of time need for the bridge financing, loan term and amount, total amount needed to complete construction, loan security, **(3 - 0)** and final hard amount needed, with Museum Marketing Director Carroll, Mr. Souza, City Attorney Sanchez and Board President Elect Gottlieb responding throughout.

Discussion continued with Councilmember Dages expressing his support stating this was the right thing to do; Councilmember Calhoun stating he would support the motion as staff would be coming back with options, a check was not being written this date, and he may withdraw his support if what comes back impacts the City's debt capacity and explained; and Councilmember Duncan presenting questions relative to amount needed to complete construction, amount desired to secure financing, and what the "cushion" would be used for (with Mr. Gottlieb responding), and expressing his support and speaking to how the community will have to "put their money where their mouth is" and help The Met repay the loan.

Acting President Xiong thanked everyone for their support, clarified this was never about supporting The Met but was about process, and stated he appreciated the information received from The Met.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled resolution No. 2007-222 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
 Noes : None  
 Absent : Perea

**9:45 A.M. CITY COUNCIL:****(A) BILL NO. B-54 - AMENDING THE FRESNO MUNICIPAL CODE ELIMINATING WAGER LIMITS FOR TEXAS HOLD-EM - COUNCILMEMBER DAGES (*Bill withdrawn - New Bill B-57 setting some limits introduced and laid over*)**

Reviewed by Councilmember Dages who spoke in support of the issue citing the need for Club One to stay competitive with Indian casinos and spoke to the need to support Club One due to revenue they generate for the City and being the largest private downtown employer with almost 400 employees, and made a motion to adopt the Ordinance Bill, which motion was seconded by Councilmember Sterling.

Club One Human Resources Manager Robert Cherry and Owner George Sarantos, 1033 Van Ness, spoke further to the issue and provided clarification on various issues and misconceptions.

City Manager Souza advised he spoke to the Mayor about the ordinance and he was not supportive of it or anything that expands or increasing gaming.

Acting President Xiong questioned if Councilmember Dages would consider having some limits in place so Council could at least have some control and feedback, and recommended three tables be open on weekdays and five tables on weekends (Friday, Saturday, Sunday), which amendment was accepted. City Attorney Sanchez advised this constituted a material amendment and introduction would occur this date with adoption at the next meeting. Upon question of Councilmember Dages, Mr. Sarantos stated he had no problem with the amendment and Club One would try this arrangement for one year to see how it works out, and reiterated they were just trying to be competitive, the casino does not win the money, and encouraged members to visit and tour the casino and its' operation. Acting President Xiong stated he looked forward to feedback.

Councilmember Calhoun stated one is either for or against this, specifying the number of tables was micro-managing the business and was wrong, and stressed this should just be voted up or down and he could not support the change. Acting President Xiong stated he disagreed as limits were set all the time on various issues and explained, and stated he was not ready totally eliminate the wager.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, new Bill No. B-57 introduced before the City Council and laid over, by the following vote:

Ayes :	Dages, Duncan, Sterling, Westerlund, Xiong
Noes :	Calhoun
Absent :	Perea

**(B) RESOLUTION NO. 2007-223 - SUPPORTING THE FEINSTEIN-HATCH COMPREHENSIVE GANG ABATEMENT AND PREVENTION ACT OF 2007 - COUNCILMEMBER STERLING AND MAYOR AUTRY**

Reviewed by Councilmember Sterling and District 3 Assistant Barfield and a motion and second was made to adopt the resolution.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2007-223 hereby adopted, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong
Noes :	None
Absent :	Perea

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**(9:50 A.M.) CONSIDER ENVIRONMENTAL IMPACT REPORT (EIR) AND CONTRACT FOR THE REMOVAL, PROCESSING AND BENEFICIAL REUSE OR DISPOSAL OF CITY BIOSOLIDS****1. RESOLUTION NO. 2007-224 - CERTIFYING EIR NO. 10137 AND ADOPTION OF NECESSARY FINDINGS INCLUDING STATEMENT OF OVERRIDING CONSIDERATIONS****2. AWARD A ONE YEAR CONTRACT FOR THE REMOVAL, PROCESSING AND BENEFICIAL REUSE OR DISPOSAL OF BIOSOLIDS TO MCCARTHY FAMILY FARMS, INC., SUBJECT TO CERTIFICATION OF THE EIR**

Public Utilities Director Ramirez gave an overview of the issue, all as contained in the staff report as submitted and Councilmember Westerlund spoke briefly in support and made a motion to approve staff's recommendation.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2007-224 hereby adopted and the contract awarded as recommended, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
Noes : None  
Absent : Perea

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**(10:00 A.M.) HEARING ON THE FORMATION OF UUD NO. FRE-85 - BELMONT AVENUE BETWEEN FREEWAY 41 AND CHESTNUT AVENUE**

**1. RESOLUTION NO. 2007-225 - ESTABLISHING UUD NO. FRE-85**

Acting President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question Supervising Engineering Technician Polsgrove advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and Acting President Xiong closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2007-225 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
Noes : None  
Absent : Perea

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**(10:05 A.M.) HEARING TO CONSIDER A CHANGE IN THE STREET NAME OF "F" STREET AND A PORTION OF W. HERNDON AVENUE TO W. FARRINGTON AVENUE BETWEEN JOSEPHINE AND WEBER AVENUES NEAR HERNDON TOWNSITE - STREET NAME CHANGE APPLICATION NO. SNC-07-02**

**1. CONSIDER AND ADOPT E.A. NO. SNC-07-02, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF NO POSSIBILITY OF SIGNIFICANT ADVERSE EFFECT EXEMPTION FROM CEQA REQUIREMENTS**

**2. RESOLUTION NO. 2007-226 - APPROVING SNC-07-02 RENAMING "F" STREET (ALSO KNOWN AS W. FARRINGTON STREET) AND A PORTION OF W. HERNDON AVENUE TO W. FARRINGTON AVENUE**

Acting President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question staff advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and Acting President Xiong closed the hearing.

Councilmember Calhoun advised his office received no comments on this matter and upon his question staff advised the proper legal noticing process had been followed and no calls had been received by staff.

On motion of Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for the above entitled E.A. hereby approved, and the above entitled Resolution No. 2007-226 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
Noes : None  
Absent : Perea

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**(10:10 A.M.)** HEARING TO CONSIDER A CHANGE IN THE STREET NAME OF N. JOSEPHINE AVENUE TO W. SPRUCE AVENUE HEAR HERNDON TOWNSITE - STREET NAME CHANGE APPLICATION NO. SNC-07-03

1. CONSIDER AND ADOPT E.A. NO. SNC-07-03, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF NO POSSIBILITY OF SIGNIFICANT ADVERSE EFFECT EXEMPTION FROM CEQA REQUIREMENTS

2. **RESOLUTION NO. 2007-227** - APPROVING SNC-07-03 RENAMING N. JOSEPHINE TO W. SPRUCE AVENUE

Acting President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question staff advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

Upon question of Councilmember Calhoun staff advised the matter was properly noticed, there had been no feedback, and the golf course concurred with the address change.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for the above entitled E.A. hereby approved, and the above entitled Resolution No. 2007-227 hereby adopted, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong
Noes :	None
Absent :	Perea

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**(10:15 A.M.)** HEARING ON THE VACATION OF ALL STREET, PEDESTRIAN AND UTILITY EASEMENTS IN THE AREA KNOWN AS FUNSTON PLACE LOCATED SOUTHEAST OF CLINTON AND FRESNO STREET

1. **RESOLUTION NO. 2007-228** - ORDERING THE VACATION OF THE ABOVE

Acting President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question Supervising Engineering Technician Polsgrove advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2007-228 hereby adopted, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong
Noes :	None
Absent :	Perea

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**(11:00 A.M.)** **CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:**

**(B)** EXISTING LITIGATION - CASE NAMES:

1. MICHAEL BROOKS, ET AL. V. COF, ET AL.

2. COF V. BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY, ET AL.

The City Council met in closed session in Room 2125 at the hour of 11:20 a.m. to consider the above matters and recessed for lunch thereafter.

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**LUNCH RECESS - 11:45 A.M. - 2:00 P.M.**



**(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:****(1-A) LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT (LLMD) NO. 1**

- 1. RESOLUTION NO. 2007-229 - INITIATING PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR LLMD NO 1**
- 2. RESOLUTION NO. 2007-230 - DECLARING INTENT TO LEVY AND COLLECT THE ANNUAL ASSESSMENT FOR LLMD NO. 1**

Assistant Public Works Director Kirn responded to questions of Acting President Xiong relative to prior Council direction on Proposition 218 election and time line for the election process **(4 - 0)**. Councilmember Calhoun confirmed no direction was given to proceed with the election process, stated he was pleased to hear elections could occur on some test areas, and spoke to the need to educate the public on service levels and needed assessments. A motion and second was made to adopt the resolutions. Councilmember Duncan strongly encouraged there be an improvement over current service levels if residents are willing to increase their fees, with City Manager Souza concurring with comments and stating staff looked forward to regrouping and mapping out a strategy.

On motion of Councilmember Calhoun, seconded by Acting President Xiong, duly carried, RESOLVED, the above entitled Resolution Nos. 2007-229 and 2007-230 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
 Noes : None  
 Absent : Perea

**(1-F) APPROVE AMENDMENT II INCREASING THE CONSULTANT SERVICES AGREEMENT WITH KRAZAN AND ASSOCIATES, INC., TO \$180,000 FOR ENVIRONMENTAL SERVICES FOR AFFORDABLE HOUSING PROJECTS, PROGRAMS AND ACTIVITIES**

HCD Manager Sigala clarified issues and responded to questions of Councilmember Westerlund relative to this cost and if the funds were budgeted, how funds were budgeted, amount expended last year, amount/type of service the City will get for \$100,000, and contract term.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Amendment II to the agreement with Krazan and Associates, Inc., hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
 Noes : None  
 Absent : Perea

**(1-G) RESOLUTION NO. 2007-231 - APPROVING FORMATION OF A TAX EXEMPT NON-PROFIT ENTITY FOR THE SPECIFIC PURPOSE OF PRODUCING AFFORDABLE HOUSING, CREATING ECONOMIC DEVELOPMENT OPPORTUNITIES, AND SUPPORTING PLANNING ACTIVITIES**

- 1. AUTHORIZE THE ASSISTANT CITY MANAGER OR DESIGNEE TO EXECUTE THE NECESSARY DOCUMENTS**
- 2. APPROVE \$5,000 AS A CITY CONTRIBUTION TO THE NONPROFIT FOR START-UP AND OPERATING COSTS**

Councilmember Westerlund noted concerns were raised previously on this issue and presented questions relative to who will staff this entity, if the entity will act as contractor or developer, and the use of CHDOs and other non-profits and concern with competing with them, with HCD Manager Sigala responding throughout. Councilmember Westerlund stated he appreciated the effort but he was not overwhelmingly convinced the other non-profit agencies were on board with this and explained. Councilmember Sterling noted staff indicated they would not move forward on this matter if there was no consensus with the outside agencies and upon her question Mr. Sigala advised of meetings staff held with the non-profits, the consensus, and there being no negative responses. A motion and second was made to approve staff's recommendation. Acting President Xiong spoke in support of the issue and complimented staff for their efforts with the CHDOs and for the structure in place.

Assistant Planning & Development Director Bergthold spoke further to the issue, to staff's meetings with the CHDOs, to the built-in protections, and to the work this entity will engage in. Councilmember Westerlund clarified he appreciated staff's work and Mr. Bergthold responded to additional questions relative to the foundational dollars that will be brought in and if there will be no struggling or competition with the agencies for grant funds.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2007-231 hereby adopted; the Assistant City Manager or designee authorized to execute the necessary documents and establish governing guidelines; and a \$5,000 City contribution to the nonprofit for start-up and operating costs hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
Noes : None  
Absent : Perea

**(1-O) APPROVE A FIVE YEAR LEASE WITH DHL EXPRESS USA FOR ONE PREFERENTIAL PARKING POSITION ON THE AIR CARGO RAMP AT FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI)**

Councilmember Calhoun stated this item caught him by surprise and presented questions/concerns relative to why DHL decided to move their operations, why they still want a prime parking position, the upgrades made to be a good service provider, concern that a freight carrier and a passenger carrier do not want to be in Fresno, need to share trends with Council, and if the city manager had any concerns, with an unidentified Airports staff member and City Manager Souza responding throughout.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled five year lease with DHL Express hereby approved, by the following vote:

Ayes : Dages, Duncan, Sterling, Westerlund, Xiong  
Noes : Calhoun  
Absent : Perea

**(1-R) RESOLUTION NO. 2007-232 - ADOPTING A 75% WASTE DIVERSION GOAL BY 2012 AND A ZERO WASTE GOAL BY 2025 FOR THE CITY OF FRESNO, IN COORDINATION WITH THE FRESNO GREEN STRATEGIES**

Councilmember Westerlund stated he was appreciative of staff bringing this forward and he was supportive of the 75% diversion goal but was not sure or comfortable with the zero goal as goals were being set for future Councils and there would be implementation costs, with Solid Waste Chief of Operations Gedert responding to the concern and explaining how the zero goal was determined. A motion and second was made to adopt the resolution.

William Milton spoke to recycling issues and recycling spin-offs.

Councilmember Calhoun spoke in support and complimented staff for thinking big.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 232 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
Noes : None  
Absent : Perea

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**(2:15 P.M.) HEARING ON REZONE APPLICATION NO. R-04-44 AND ENVIRONMENTAL FINDINGS, FILED BY BONADELLE HOMES, INC, SOUTH SIDE OF E. CLINTON BETWEEN N. TEMPERANCE AND N. LOCAN AVENUES**  
**1. CONSIDER AND ADOPT E.A. NO. R-04-44/T-5341, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**  
**2. BILL NO. B-58 - ORDINANCE NO. 2007-56 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM RR (COUNTY) TO R-1/UGM**

Acting President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Braun advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and Acting President Xiong closed the hearing.

Assistant Planning & Development Director Bergthold and Applicant John BONADELLE responded to questions of Councilmember Westerlund relative to status of the rural lifestyle agreement, if the agreement will be applied to the eight people who will be annexed, request for assurance the agreement will be utilized, and if the agreement will be honored in terms of sewer and water connections.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding for the above entitled E.A. hereby approved, and the above entitled Bill No. B-58 adopted as Ordinance No. 2007-56, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong
Noes :	None
Absent ;	Perea

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The City Council recessed at 2:52 p.m. and convened in joint session with the Redevelopment Agency.

#### **(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

##### **APPROVE AGENCY MINUTES OF JUNE 19, 2007**

On motion of Acting President Xiong, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of June 19, 2007, approved as submitted.

**(A) JOINT RESOLUTION NO. 2007-233/1701 - APPROVING A REDEVELOPMENT GRANT AGREEMENT BETWEEN THE 21<sup>ST</sup> DISTRICT AGRICULTURAL ASSOCIATION, THE BIG FRESNO FAIR, AND THE REDEVELOPMENT AGENCY, AND MAKING CERTAIN FINDINGS PURSUANT TO THE HEALTH AND SAFETY CODE OF COMMUNITY REDEVELOPMENT LAW, REGARDING AN AGENCY GRANT TO HELP FUND IMPROVEMENTS BY THE BIG FRESNO FAIR ALONG KINGS CANYON ROAD**

Executive Director Murphey stated this was part of a much larger improvement project and reviewed the issue, all as contained in the staff report as submitted **(5 - 0)**.

Councilmember Dages stated this project would work into the overall southeast beautification plan and thanked the Big Fresno Fair, and made a motion to adopt the resolution. The motion was seconded by Chair Sterling who stated she was glad this project was moving forward and also thanked the Fair.

On motion of Councilmember Dages, seconded by Chair Sterling, duly carried, RESOLVED, the above entitled Joint Resolution No. 2007-233/1701 hereby adopted, by the following vote:

Ayes :	Calhoun, Dages, Duncan, Westerlund, Xiong, Sterling
Noes :	None
Absent :	Perea

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The joint bodies adjourned their meeting at 3:00 p.m. and the City Council reconvened in regular session.

**(1-P) – (Re-set for 2:35 p.m.) ADOPT THE PARC GROVE COMMONS NEIGHBORHOOD REVITALIZATION PLAN FOR THE CONSTRUCTION OF A MULTI-PHASED 464-UNIT AFFORDABLE HOUSING PROJECT**  
**1. CONDITIONALLY APPROVING HOME PROGRAM LOAN FUNDS IN THE AMOUNT OF \$1.4 MILLION TO PARC GROVE COMMONS LP FOR CONSTRUCTION OF PHASE I**

HCD Manager Sigala submitted an amended Plan into the record and gave an overview of the issue including the plan and recommendations, all as contained in the staff report as submitted.

Councilmember Sterling spoke in support stating this was a great plan that fit into the 10 x10 Committee's commitment and thanked everyone involved.

Lowell Ens, Housing Authority Resource Services Manager, spoke further to the project and requested Council's support.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the Park Grove Commons Neighborhood Revitalization Plan for the construction of a multi-phased affordable housing project hereby adopted, and HOME Program loan funds in the amount of \$1.4 million to Parc Grove Commons LP for construction of the affordable rental housing units as part of Phase I for the project conditionally approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
 Noes : None  
 Absent : Perea

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## ADJOURNMENT

There being no further business to bring before the City Council, the hour of 3:06 p.m. having arrived and hearing no objections, Acting President Xiong declared the meeting adjourned.

**Approved** on the \_\_\_\_ 17th \_\_\_\_ day of \_\_\_\_ July \_\_\_\_, 2007.

\_\_\_\_\_/s/  
 ys  
 Blong Xiong, Acting Council President

BX \_\_\_\_\_ ATTEST: \_\_\_\_\_/s/  
 Yolanda Salazar, Assistant City Clerk